

**Town of Foxborough
Conservation Commission Minutes
April 11, 2016**

Members Present: Robert Boette (Chair), Judith Johnson (Vice Chair), Eric Nelson (Clerk), Valerie Marshall, Michael Kelleher and James Marsh

Members Absent: None

Staff Present: Jane Sears Pierce, Conservation Manager, Diana Gray, Land Use Administrator

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Boyden Library, at 7:00 p.m.

33 Commercial Street, RFD, Lexington Foxboro LLC

Joe Alfonzo was present representing the applicant. The site has two commercial buildings that Lexington Foxboro is planning on selling separately. Currently the buildings are serviced under one utility system, which needs to be separated; they will be adding another line overhead from the street and also installing a new pole. Mr. Alfonzo explained that one-half dozen 4" to 5" trees and one large oak need to come down to install the line and they will prune back approximately 10 feet from each side of the current access. They will be going in along the back of the property on Central/Commercial Street.

Robinson Brook is within 200 feet; Ms. Pierce stated that there could be soil disturbance and a silt fence will be needed. Ms. Marshall asked to have silt fencing installed near the stream. She recommended a Negative Determination. The Commission asked the applicant to notify Ms. Pierce prior to cutting and put ribbons around the trees to be cut.

Motion was made by Mr. Marsh to close the hearing for 33 Commercial Street; seconded by Mr. Kelleher. **Vote: 6-0-0**

Motion was made by Ms. Johnson to issue a Negative Determination for 33 Commercial Street with conditions that silt fencing be used and the trees to be cut be marked; seconded by Mr. Nelson. **Vote 6-0-0**

40 Neponset Heights Avenue, NOI, DEP #157-552, William & Tara Ivatts

Rich Leslie of Bay Colony represented the applicants, William and Tara Ivatts who were also present. Mr. Leslie explained that this is the same plan as the RFD plan presented to the Commission last month. They would like to tear down the existing house and build a new house further away from the Neponset Reservoir. The current single family house is 19 feet from the water; the new house would be 32 feet from the water. The new house would be out of the 25-Foot No Activity Zone and the FEMA flood zone. The septic tank is also being moved forward.

Ms. Johnson asked how the 23 foot area left by the old house would be restored and was told that they will be restoring the area where the current house is located with grass, which will be contiguous with the current grassy areas. They are not planning on changing any of the vegetation near the water. The Commissioners encouraged installing native plants along the edge of the water to help maintain the water quality of the reservoir.

Mr. Leslie would also like to request a waiver of the town filing fee which would be \$250 or \$500, depending upon which category is used. Mr. Boette stated that he does not want to set precedent by waiving the fee since this was not a new lot, but would be agreeable to the lower fee of \$250. The other Commissioners were also in agreement with this approach.

Motion was made by Ms. Johnson to close the hearing for 40 Neponset Heights Ave; seconded by Ms. Marshall. **Vote: 6-0-0**

48 East Street, DEP #157-550, NOI, Estate of Audrey Greeley

50 East Street, DEP #157-551, NOI, Estate of Audrey Greeley

The applicant has requested a continuance to the April 25, 2016 meeting as they are still waiting for a response to their FEMA request for a Letter of Map Amendment.

Motion was made by Ms. Johnson to continue the hearings for 48 and 50 East Street to April 25, 2016; seconded by Ms. Marshall. **Vote: 6-0-0**

Regulations for Foxborough's Wetlands Protection Bylaw, Chapter 267

Ms. Pierce sent the final copy to Town Counsel for comments and Atty. Connolly sent back suggested changes which Ms. Pierce reviewed with the Commission. After discussion, reference to "Buffer Zone" was changed to "No Disturb Zone."

Motion was made by Ms. Marshall to approve the Regulations for Foxborough's Wetlands Protection Bylaw, Chapter 267 as amended this evening; seconded by Ms. Johnson. **Vote: 6-0-0**

New Commissioner Interviews

The Commissioners interviewed the two remaining candidates for the open seat on the Commission. The third candidate has been ill and is unable to attend this evening.

The Commissioners first met with Rich Golemme, who is interested in waterways and has always lived on the water. He is interested in taking MACC classes to learn about the wetland laws and has the time to commit to the Commission. He has an accounting background and now runs a non-profit charity. He has lived in Foxborough for 30 years.

The Commissioners then met with Ron Rogers. He is retired and has a lot of historical knowledge of the town and has "fished every stream and turned over every rock in the woods." He would like to make conservation areas more accessible and sees that there are a lot of natural areas in town that need care. He has lived in town since 1959 and is a woodworker by trade. He has the time to devote to the Commission.

The Commissioners noted that they will be making a recommendation to the Board of Selectmen, the appointing authority for the Conservation Commission.

8 Alice Bradley Lane, PCoC #157-261

8 Alice Bradley Lane, CoC #157-367

Requests for Certificates of Compliances have been received. One is from the original subdivision filing and the other is for the installation of a dock and walkway, which was done years ago.

Motion was made by Mr. Nelson to approve the Certificate of Compliance for 8 Alice Bradley Lane, DEP #157-261; seconded by Ms. Johnson. **Vote: 6-0-0**

Motion was made by Mr. Nelson to approve the Certificate of Compliance for 8 Alice Bradley Lane, DEP #157-367; seconded by Ms. Johnson. **Vote: 6-0-0**

Minutes

The Commissioners reviewed the minutes of January 11, 2016.

Motion was made by Mr. Nelson to approve the minutes of January 11, 2016 as submitted; seconded by Ms. Marshall. **Vote: 6-0-0**

Forbes Crossing Issues, DEP#157-537

Ms. Pierce stated that she was notified the day before they began cutting trees for the project. They ended up cutting all of the shrubs along the river, as well as the trees on the MassDOT's property. When Ms. Pierce asked Project Engineer Brett Dellit why this had happened, he told her that "the tree company got carried away." Ms. Pierce also learned that the applicant had received their permit from MassDOT, but she hadn't received a copy. When she asked Mr. Dellit for a copy, he immediately sent her a copy of the document.

A restoration plan will be required, as well as long term monitoring and mitigation. The applicant will be asked to come before the Commission during the following meeting.

120 Spring Street, Conservation Rental Property

Mr. Boette explained that during the recent town Capital Improvement Plan (CIP) meeting, the Commission had asked for vinyl siding, and other exterior work at 120 Spring Street, but neither was granted. The CIP Committee did not want to appropriate the funds if the house, which the Commission plans to sell in the near future, will end up being torn down.

The Commission can vote to sell the house, taking it out of Conservation land. This will require a unanimous vote of the Commission, a 2/3 vote at Town Meeting and a 2/3 vote of the State Legislature. Additional town land needs to be given to the Commission in exchange for the loss of this property. The land behind the landfill would be great for this purpose.

The Commissioners indicated that they would like the proceeds from the sale of the house to go into the Conservation Fund, rather than the town General Fund. Ms. Pierce will talk to Town Counsel to find out the steps to selling the house and get the assessor's map and lot numbers of the land she would like to have swapped for the sale of this property, per the EOEA's No Net Loss Policy. The discussion will be continued to the next meeting.

Dog Park Considerations: Response to Requests

Mr. Boette read the following statement into the record:

“At last week's meeting of the Selectmen, Town Manager Bill Keegan stated that there was an interest in establishing a dog park in town. As a result of the request, he recommends that a study committee be formed, similar to the Town Hall study group, to determine if, in fact, a dog park is desired. The committee would consist of representatives of the Board of Selectmen, Conservation Commission, Recreation Department, maybe Planning Board, as well as citizens-at-large, both opponents and advocates of the dog park. If it is determined that the town does not want a dog park, the committee will disband. However, if the town does want a dog park, the committee will be charged with locating the park in the best available site in town. Until the committee is formed, it hasn't been determined who will chair it or who will control the membership. We have representation of the Selectmen here tonight so perhaps they have some insight on that matter.”

Town Manager Bill Keegan, who attended the meeting for this discussion, stated that he proposed a working group to help defuse the emotions that have been stirred up by this topic, similar to the Town Hall working group. The process will look at the different perspectives and look at all the issues. The process will help determine (1) whether the community wants a dog park, (2) what type of park would people prefer, (3) where is the most logical place to put it, and (4) what components would the park have. They will put all options on the table so we can say “this is the process we used; and the conclusion reached.” Just like with the Town Hall, in the end there was lots of consensus for factual vs. hearsay, to take the emotion out of the issue. The issue will be debated to see where it goes to reach a conclusion. Both sides will be heard and factual information will be shared.

Board of Selectmen Chairman Jim DeVellis, also in attendance, stated that he was there to listen and hear the goals and objectives of the Conservation Commission and the Town Manager.

Sandra Esmond of 19 Albion Street asked where the Morse Street plan came from.

Mr. Boette explained that the town has been looking for a dog park site for a number of years, since a study committee had been appointed after the 2008 decision to close the last dog park. Morse Street among others considered at that time, but MBTA land in the middle of the area would need to be used for parking. Representative Barrows was approached to try to get the MBTA's permission to use that land and after a couple of years, this permission was (just recently) received.

So that is where the discussion of Morse Street comes from. This site is also close to the road, for the ADA access that will be a requirement of the park. The neighbor was contacted for due diligence to get their input.

Susan Camaratta of 102 Morse Street asked what properties were considered besides the Morse property. Mr. Boette stated that there were eight or nine other sites in town such as the former landfill, Payson Road, adding that as of now the whole town is open for consideration.

Terri Howe of 101 Morse Street stated that she was told a vote would be taken tonight to locate the park on Morse Street. Mr. Boette stated that there will be no votes taken this evening.

Ms. Marshall stated that there has been a lot of miscommunication about this agenda item, adding that the Town Manager has proposed a process which will bring both sides together; she would like to see this process move forward.

Heather Harding of the Board of Recreation stated that before she and Debbie Giardino came to the Commission's meeting, the Recreation Board met and voted to appoint a Recreation Board member to the Town Manager's committee if it goes forward.

Karl and Kathy VandenBoom of 109 Morse Street stated that they conducted an informal facebook survey and received a lot of comments from both sides (pro and con), which were pretty even. She would like to follow Mr. Keegan's recommendation for a committee to determine a location. She mentioned that the town of Norwood formed a committee for their dog park.

Ms. Esmond asked who would decide where the park would be. Mr. Boette stated that a town meeting vote would be needed, to put it on a town owned property.

Dawn Whitney of 4 Carroll Drive asked about liability issues. Mr. Keegan stated that Town Counsel always weighs in on issues such as these but noted that there are quite a few successful dog parks across the Commonwealth.

Bruce Bowden of 89 Morse Street asked who would pay the costs for renovation, parking, etc. Mr. Keegan stated that there may be grants available.

Heather Treannie of 4 Rothchild Drive, speaking on behalf of the residents of Rothchild Drive which is near the Morse Street property, noted that they have been asking for a chain link fence between their properties and the railroad tracks to help protect their children from the trains and felt that this was a more important issue than a dog park. Mr. Keegan stated that the town cannot put a fence on private property.

Mrs. VandenBoom asked if there are minutes from the 2008 committee and was told that this was a Board of Selectmen committee, so they would need to be asked.

Paul Hubrich of 2 Lakeview Terrace stated that he was a member of the 2008 committee and they had looked at four sites; the committee was eventually dissolved.

Ms. Johnson stated that she was dismayed at the letters that were in the Foxboro Reporter and the level of inflammatory language being used; adding that she hopes everyone can work together towards a solution.

When asked if the Conservation Commission would be involved with the new committee since it may be on Conservation land, Mr. Boette stated that the Town Manager has asked for representation from the Commission on the study committee.

Mr. Keegan stated that this is only a proposal at this point. He wants to make a more detailed one to the Board of Selectmen after Town Meeting.

Ms. Marshal stated that Foxborough is a great town and she was proud to be on the Foxborough Conservation Commission. She asked the audience to please put emotions aside and just come together, hear each other, and make this Town proud again.

Ms. VandenBoom explained that she didn't want to go to the newspaper but she received mis-information from Heather Harding and Jane Pierce, so she felt forced to go to social media.

Friends of Conservation Group

Heather Harding stated that the Board of Recreation has a friends group, so had come to the meeting to explain the process to the Commission. She also noted that a friends group was set up and has existed for several years, called the Foxboro Dog Group, which is a 501c3 group with a bank account. Recreation takes donations on behalf of this group to be deposited into the account. She thought that the name of this group should be changed to the "Friends of Conservation," as they have been working on other things besides a dog park, such as the Dave Risch Memorial Garden on North Street. That project's estimated cost is \$15,000, so they have been looking into grants to offset some of the costs.

Motion was made by Ms. Marshall to change the name of the Foxboro Dog Group to the Foxboro Friends of Conservation; seconded by Ms. Johnson. **Vote: 6-0-0**

Conservation Land Trail Maps

Ms. Pierce informed the Commission that she has been working with Ryan Norton, DPW, the Town's GIS specialist, to create trail maps of Town conservation lands. To date, trail maps are almost completed for the Harold Clark Town Forest and the Lane Property, including the trails along Neponset Reservoir that end at Chestnut Street.

New Commission Member

The Commission discussed the applicants, who were all excellent candidates to serve on the Commission, and decided to recommend Jeff Amb's to the Board of Selectmen. The other candidates will be asked to join the Friends Group.

Motion was made by Ms. Marshall to recommend Jeffrey Amb's to the Board of Selectmen as the new Conservation Commission member; seconded by Mr. Marsh. **Vote: 6-0-0**

Meeting Adjourned

Motion was made by Mr. Nelson to adjourn the meeting; seconded by Ms. Johnson. **Vote: 6-0-0**

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Diana Gray: 4/27/16

Approved by Commission: 5/16/16

Documents, Not Referenced Above

Attached Documents

1. Agenda, April 11, 2016
2. Meeting Sign In Sheet

Location of Other Documents

3. Manager's Report, filed in Manager's Report binder in the Conservation Office.
4. Referenced projects' documents: please see Conservation Commission's project file